

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

DEXAS INTERNATIONAL, LTD.,

Plaintiff,

vs.

HITT ENTERPRISES, INC.,

Defendant.

Civil Action No.

JURY DEMANDED

**ORIGINAL COMPLAINT WITH REQUEST FOR
PERMANENT INJUNCTIVE RELIEF AND DAMAGES AND JURY DEMAND**

Plaintiff, Dexas International, Ltd. for its complaint against Defendant Hitt Enterprises, Inc. would respectfully show the Court as follows:

I. PARTIES

1. Plaintiff Dexas International, Ltd. ("Dexas") is a limited partnership with its principal place of business at 585 South Royal Lane, Suite 200, Coppell, TX 75019-3807.
2. Defendant Hitt Enterprises, Inc. ("Hitt Enterprises") is, upon information and belief, a corporation organized and existing under the laws of the State of Arkansas, with a principal place of business at 124B Commercial Ave., Lowell, AR 72745.

II. JURISDICTION AND VENUE

3. This is an action for patent infringement arising under the Patent Laws of the United States, 35 U.S.C. §§ 101, et seq., with subject matter jurisdiction based on 28 U.S.C. § 1338(a).
4. The Court has personal jurisdiction over Defendant, and venue is proper in this

District, in that Defendant has sufficient contacts in the State of Texas and this District to satisfy Due Process. Venue is proper in the Northern District of Texas under 28 U.S.C. §1400(b) with §§1391(b) and (c).

5. Upon information and belief, this court has specific personal jurisdiction over Defendant Hitt Enterprises. The contacts with the state of Texas and this Judicial District and Division include sales of various housewares products, including sales through Amazon.com, with the knowledge and intent that they be distributed and sold within the United States, including this Judicial District.

III. COUNT I - PATENT INFRINGEMENT

6. Dexas is the owner by assignment of all right, title, and interest in and to United States Design Patent No. D566,489 entitled " Collapsible funnel," ("the '489 Patent") duly issued on April 15, 2008 by the United States Patent and Trademark Office, a copy of which is attached hereto as Pleading Exhibit A. Such right, title, and interest include, without limitation, the right to sue and receive damages for past, present, and future patent infringement.

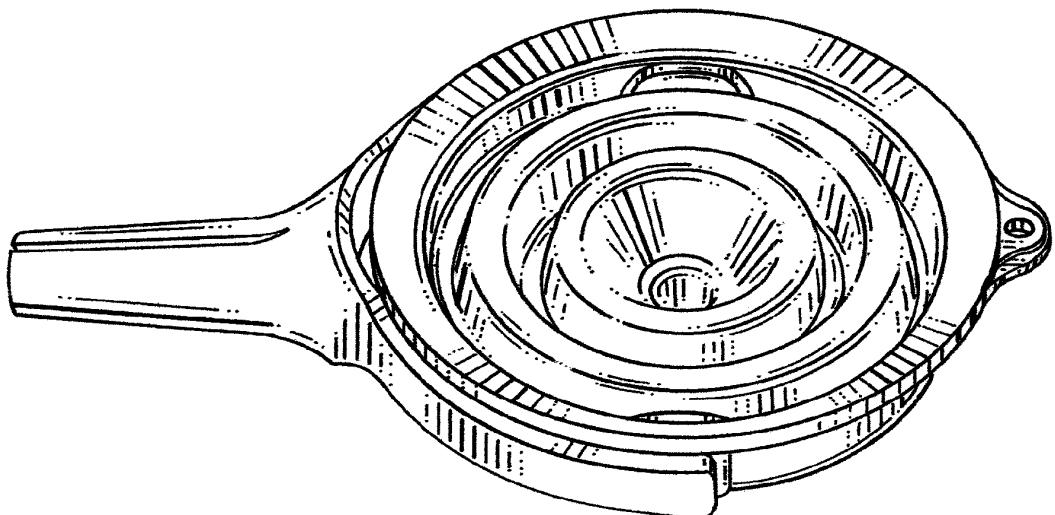


FIG. 1 of United States Letters Patent D566,489

7. Defendant is infringing the ‘489 Patent by making, selling, offering for sale, importing, and/or using a product embodying the Plaintiff’s patented invention.



Defendant’s Infringing Product

8. Defendant’s infringing product is advertised under the “Hitt Brands” name on amazon.com as a “Collapsible Funnel” (see: <https://www.amazon.com/Hitt-Collapsible-Funnel-Green-White/dp/B01LYXKVNN>) as shown in Exhibit B, and is offered for sale in Walmart stores. Defendant will continue to infringe the ‘489 Patent unless enjoined by the Court.

9. Defendant’s infringement has caused Plaintiff to suffer damages. On information and belief, said infringement was willful, making this an exceptional case.

10. As an additional remedy, Plaintiff is entitled to an award of Defendant’s total profits earned from patent infringement.

11. On information and belief, Defendant has caused irreparable damage to Plaintiff by Defendant’s acts of infringement as described above and will continue said acts of infringement unless permanently enjoined by this Court.

12. Plaintiff has placed the required statutory marking and notice on all products made and sold by it under the '489 Patent.

IV. PRAYER FOR JUDGMENT AND RELIEF

WHEREFORE, Plaintiff prays for a judgment against Defendant as follows:

- a. That U.S. Design Patent No. D566,489 is valid and enforceable;
- b. That Defendant has infringed U.S. Design Patent No. D566,489 and that such infringement was willful;
- c. An award of damages to Plaintiff against Defendant for infringement of U.S. Design Patent No. D566,489 under 35 U.S.C. § 284 or § 289;
- d. In the event Plaintiff elects to recover damages under 35 U.S.C. § 284, an increase of the sums awarded to Plaintiff to three times the actual damages, pursuant to 35 U.S.C. § 284;
- e. That Defendant, its agents, servants and employees and all those in privity, concert, or participation with any of them, be permanently enjoined from infringing U.S. Design Patent No. D566,489;
- f. That this case be deemed as exceptional under 35 U.S.C. § 285 due to the intentional and willful nature of Defendant's infringement, and an award to Plaintiff of attorney fees under 35 U.S.C. § 285.
- g. An award of prejudgment and post judgment interest and costs of suit to Plaintiff; and
- h. Such other and further relief as the Court deems proper and just.

V. DEMAND FOR JURY TRIAL

Plaintiff, pursuant to Rule 38(b) of the Federal Rules of Civil Procedure, demands a trial by jury on all issues triable by right by a jury.

Respectfully submitted,

/s/ Robert G. Oake, Jr.

Robert G. Oake, Jr.

Texas State Bar No. 15154300

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